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No. 91-860

In The

Supreme Court of the United States

October Term, 1991

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SUPREME COURT U.S.

UNITED STATES DEPARTMENT OF COMMERCE; ROBERT A. MOSBACHER, Secretary of the United States Department of Commerce; BUREAU OF THE CENSUS; BARBARA EVERITT BRYANT, Director of the Bureau of the Census; and DONNALD K. ANDERSON, Clerk of the United States House of Representatives,

Appellants,

vs.

THE STATE OF MONTANA; STAN STEPHENS, Governor of the State of Montana; MARC RACICOT, Attorney General for the State of Montana; MIKE COONEY, Secretary of State for the State of Montana; MAX BAUCUS, United States Senator; CONRAD BURNS, United States Senator; PAT WILLIAMS, United States Representative; and RON MARLENEE, United States Representative,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA

MOTION FOR EXPEDITED BRIEFING SCHEDULE  
AND ORAL ARGUMENT

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3/24

MOTION FOR EXPEDITED BRIEFING SCHEDULE  
AND ORAL ARGUMENT

COME NOW the appellees, by and through their counsel of record, and respectfully move for an expedited briefing schedule and oral argument should probable jurisdiction be noted and this matter set for plenary consideration on the merits.

This motion is made on the grounds that the case presents an issue of paramount importance concerning the composition of the United States House of Representatives, that the membership of the House is in question for the 103d Congress and for subsequent Congresses, and that the question is capable of resolution and should be resolved prior to the 1992 elections for United States Representatives.

Appellees have contacted counsel for the appellants in this matter, and they do not oppose this request. Should the Court note probable jurisdiction, and its calendar permits, appellees request an oral argument date on the February, 1992, argument calendar. The parties are willing to abide by the following briefing schedule:

Opening brief of appellants: January 15, 1992

Response brief of appellees: February 12, 1992

Reply brief of appellants: February 21, 1992

Respectfully submitted this 4<sup>th</sup> day of December, 1991.

Marc Racicot

MARC RACICOT

Attorney General

State of Montana

CLAY R. SMITH

Solicitor

ELIZABETH S. BAKER

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CERTIFICATE OF SERVICE

I hereby certify that I mailed a true and accurate copy of the foregoing, postage prepaid, by U.S. mail, to the following:

Steven R. Ross  
General Counsel to the Clerk  
Michael L. Murray  
Senior Asst. Counsel to the Clerk  
U.S. House of Representatives  
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Kenneth O. Eikenberry  
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I further certify that I mailed, via federal express, a true and accurate copy of the foregoing to the following:

Kenneth W. Starr  
Solicitor General  
Edwin S. Kneeder  
Assistant to the Solicitor General  
United States Department of Justice  
Washington D.C. 20530

DATED: Dec 4 1991

Margaret L. Rudis